IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.1 OF 2000

IN

PETITION NO.734 OF 1996

Smt Basantidevi widow of Hariharprasad Jaiswal ...Petitioner

v/s

Raviprakash R. Jaiswal ...Respondent

Mr Vaishnava with Mr R.D. Dore i/b M/s N.N. Vaishnava and Co. for Petitioner.

Mr Monish Mistry for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 23RD JUNE 2006.

P.C. :-

1. The petitioner has filed this petition for revocation of probate of will granted by this Court of deceased Lakhpatidevi. The petitioner claims to be agnate of the deceased. The revocation of grant of probate is sought on the ground that the respondent, who had applied for probate of the will left behind by the deceased, did not mention in the petition the name of the petitioner as heir. The leaned counsel did not point out any provision in the Indian Succession Act which casts duty on the person who applies for probate of the will to disclose the name of the agnate in the petition. The leaned counsel for petitioner relies on a judgment of the learned Single Judge of this Court in the case of George Anthony Harris v/s Millicent Spencer, reported in 1932 (XXXV) BLR 708. But that judgment cannot help the petitioner because it deals with revocation of letter of administration. The requirements for letter of administration and grant of probate are different. It is an admitted position that public notice was issued before issuing a probate. The petitioner neither filed any caveat nor filed any objection after the publication. Therefore, this petition does not survive for consideration. Petition

is disposed off. Petitioner to pay costs of this petition to the respondent as incurred by the respondent.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.